

AMENDED IN SENATE MAY 8, 2008

AMENDED IN SENATE APRIL 9, 2008

AMENDED IN SENATE JULY 9, 2007

AMENDED IN ASSEMBLY MARCH 28, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 996

Introduced by Assembly Members Spitzer and Solorio
(Coauthors: Assembly Members Benoit and Huff)

February 22, 2007

An act to amend Section 1808.4 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 996, as amended, Spitzer. Department of Motor Vehicles: records.

Existing law makes confidential the home address of any of a list of state officers and employees that appears in the Department of Motor Vehicles (DMV) records, if an officer or employee requests that address be kept confidential, with certain exemptions for information available to specified governmental agencies. Existing law provides that the home address shall be withheld from public inspection for 3 years following termination of office or employment, except with respect to retired peace officers, whose home addresses shall be withheld from public inspection permanently upon request.

This bill would revise the exemptions to nondisclosure to provide that a governmental agency may obtain the information necessary to process the service and collection of a traffic, parking, or toll road violation.

The bill would also provide that the applicable statutory time periods for processing traffic, parking, or toll road violations are tolled until the DMV provides the law enforcement agency or governmental agency with the confidential home addressee's information. The bill would also authorize the law enforcement agency or governmental agency to serve the person, his or her spouse, or *a child of that person* at the address of the person's, ~~spouse's, or child's~~ employer, ~~as appropriate~~.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1808.4 of the Vehicle Code is amended
2 to read:
3 1808.4. (a) For all of the following persons, his or her home
4 address that appears in a record of the department, is confidential,
5 if the person requests the confidentiality of that information:
6 (1) Attorney General.
7 (2) State public defender.
8 (3) A Member of the Legislature.
9 (4) A judge or court commissioner.
10 (5) A district attorney.
11 (6) A public defender.
12 (7) An Attorney employed by the Department of Justice, the
13 office of the State Public Defender, or a county office of the district
14 attorney or public defender.
15 (8) A city attorney and an attorney who submits verification
16 from his or her public employer that the attorney represents the
17 city in matters that routinely place the attorney in personal contact
18 with persons under investigation for, charged with, or convicted
19 of, committing criminal acts, if that attorney is employed by a city
20 attorney.
21 (9) A nonsworn police dispatcher.
22 (10) A child abuse investigator or social worker, working in
23 child protective services within a social services department.
24 (11) An active or retired peace officer, as defined in Chapter
25 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
26 Code.
27 (12) An employee of the Department of Corrections and
28 Rehabilitation, Division of Juvenile Facilities, or the Prison

1 Industry Authority specified in Sections 20403 and 20405 of the
2 Government Code.

3 (13) A nonsworn employee of a city police department, a county
4 sheriff's office, the Department of the California Highway Patrol,
5 a federal, state, or local detention facility, or a local juvenile hall,
6 camp, ranch, or home, who submits agency verification that, in
7 the normal course of his or her employment, he or she controls or
8 supervises inmates or is required to have a prisoner in his or her
9 care or custody.

10 (14) A county counsel assigned to child abuse cases.

11 (15) An investigator employed by the Department of Justice, a
12 county district attorney, or a county public defender.

13 (16) A member of a city council.

14 (17) A member of a board of supervisors.

15 (18) A federal prosecutor, criminal investigator, or National
16 Park Service Ranger working in this state.

17 (19) An active or retired city enforcement officer engaged in
18 the enforcement of the Vehicle Code or municipal parking
19 ordinances.

20 (20) An employee of a trial court.

21 (21) A psychiatric social worker employed by a county.

22 (22) A police or sheriff department employee designated by the
23 Chief of Police of the department or the sheriff of the county as
24 being in a sensitive position. A designation pursuant to this
25 paragraph shall, for purposes of this section, remain in effect for
26 three years subject to additional designations that, for purposes of
27 this section, shall remain in effect for additional three-year periods.

28 (23) A state employee in one of the following classifications:

29 (A) Licensing Registration Examiner, Department of Motor
30 Vehicles.

31 (B) Motor Carrier Specialist 1, California Highway Patrol.

32 (C) Museum Security Officer and Supervising Museum Security
33 Officer.

34 (24) (A) The spouse or child of a person listed in paragraphs
35 (1) to (23), inclusive, regardless of the spouse's or child's place
36 of residence.

37 (B) The surviving spouse or child of a peace officer, as defined
38 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
39 2 of the Penal Code, if the peace officer died in the line of duty.

(b) The confidential home address of a person listed in subdivision (a) shall not be disclosed, except to any of the following:

(1) A court.

(2) A law enforcement agency.

(3) The State Board of Equalization.

(4) An attorney in a civil or criminal action that demonstrates to a court the need for the home address, if the disclosure is made pursuant to a subpoena.

(5) A governmental agency to which, under any provision of law, information is required to be furnished from records maintained by the department or the information is necessary to process the service and collection of a traffic, parking, or toll road violation.

(c) (1) A record of the department containing a confidential home address shall be open to public inspection, as provided in Section 1808 if the address is completely obliterated or otherwise removed from the record. The home address shall be withheld from public inspection for three years following termination of office or employment.

(2) With respect to a retired peace officer, his or her home addresses shall be withheld from public inspection permanently upon request of confidentiality at the time the information would otherwise be opened. The home address of the surviving spouse or child listed in subparagraph (B) of paragraph (24) of subdivision (a) shall be withheld from public inspection for three years following the death of the peace officer.

(3) The department shall inform a person who requests a confidential home address what agency the individual whose address was requested is employed by or the court at which the judge or court commissioner presides.

(d) The applicable statutory time periods for processing the service and collection of traffic, parking, or toll road violations are tolled until the department provides the law enforcement agency or governmental agency with the confidential home addressee's information. For purposes of providing notice of a traffic, parking, or toll road violation, the law enforcement agency or governmental agency may serve the person, ~~his or her spouse, or child at the address of the person's, spouse's, or child's employer, as~~

1 ~~appropriate.~~ *listed in subdivision (a), his or her spouse, or a child*
2 *of that person at the address of the person's employer.*

3 (e) A violation of subdivision (a) by the disclosure of the
4 confidential home address of a peace officer, as specified in
5 paragraph (11) of subdivision (a), a nonsworn employee of the
6 city police department or county sheriff's office, or the spouses or
7 children of these persons, including, but not limited to, the
8 surviving spouse or child listed in subparagraph (B) of paragraph
9 (24) of subdivision (a), that results in bodily injury to the peace
10 officer, employee of the city police department or county sheriff's
11 office, or the spouses or children of these persons is a felony.